

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

GARY KREMEN, an individual,

Plaintiff,

vs.

AMERICAN REGISTRY FOR INTERNET
NUMBERS, LTD., a Virginia corporation,

Defendant.

USDC Case No. **C 06-2554 JW**
[Related to Case No. C 98-20718 JW]

(Assigned to the Honorable James Ware)

**[PROPOSED] ORDER GRANTING
DEFENDANT AMERICAN REGISTRY
OF INTERNET NUMBERS, LTD.'S
MOTION TO DISMISS PLAINTIFF'S
COMPLAINT PURSUANT TO RULE
12(B)(6) AND/OR [ALTERNATIVE]
STAY ORDER**

Hearing

Date: September 11, 2006

Time: 9:00 a.m.

Courtroom: 8

Action Filed: April 12, 2006

Trial Date: NONE SET

On September 11, 2006, at 9:00 am, the Motion of Defendant AMERICAN REGISTRY FOR INTERNET NUMBERS, LTD. ("ARIN") to dismiss with prejudice any and all claims of Plaintiff GARY KREMEN ("Plaintiff" or "Kremen") pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure ("FRCP") came on regularly for hearing before this Court in Courtroom

8, before the Honorable James Ware, Judge Presiding.

Having considered the moving, supporting and opposing papers, the records on file herein, and the arguments of counsel, this Court hereby finds that:

1. each claim asserted in the Complaint is barred by applicable statutes of limitations;
2. the Complaint fails to state facts that can support any federal or state antitrust claims under either Section 1 or 2 of the Sherman Act or California's Cartwright Act; and
3. the Complaint fails to state any state law claims for conversion, breach of fiduciary duty, or unfair competition under California's UCL (B&P Code Section 17200) upon which relief can be granted.

Accordingly, it is **HEREBY ORDERED** that each and every claim set forth in Plaintiff's Complaint is hereby **DISMISSED WITH PREJUDICE**.

[ALTERNATIVE] STAY ORDER

[Alternatively,] this Court **HEREBY ORDERS** that the present action is hereby **STAYED** pending final disposition of ARIN's motion to modify or clarify the September 17, 2001, Order issued by Judge James Ware (an order upon which this lawsuit is fundamentally based) in the related action entitled *Kremen v. Cohen, et al.*, USDC Case No. C 98-20718 (JW).

IT IS SO ORDERED:

Dated: _____

The Honorable James Ware
United States District Judge